

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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YOSEF LEROI MUSTAFANOS,
on behalf of family of SHIRLEY JEAN
CLIFTON,

Petitioner,

v.

DEPARTMENT OF VETERANS
AFFAIRS, RENO VETERANS
ADMINISTRATION MEDICAL CENTER,
VETERANS ADMINISTRATION SIERRA
NEVADA HEALTH CARE SYSTEM,

Respondents,

and

UNITED STATES OF AMERICA,

Real Party in Interest.

Case No. 3:22-cv-00542-MMD-CLB

ORDER

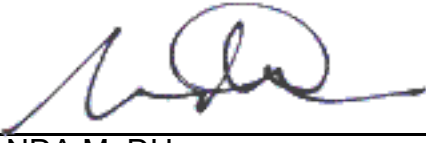
Yosef L. Mustafanos, proceeding *pro se*, filed a petition for a writ of mandamus to compel Defendants to “return Shirley Jean Clifton back to the Guardianship care and control” of Mustafanos “and family.” (ECF No. 1 (“Petition”) at 1.) The United States of America, acting as the real party in interest on behalf of its agency the Department of Veterans Affairs, filed a motion to dismiss the Petition (ECF No. 3.) The deadline to respond has lapsed and Mustafanos failed to respond. Accordingly, the Court grants the motion to dismiss (ECF No. 3) as unopposed. See LR 7-2(d) (“The failure of an opposing party to file points and authorities in response to any motion, except a motion under Fed. R. Civ. P. 56 or a motion for attorney’s fees, constitutes a consent to the granting of the motion.”)

It is therefore ordered that Defendants’ motion to dismiss (ECF No. 3) is granted. The petition is denied without prejudice.

1 It is further ordered that the motion for preliminary injunction (ECF No. 5) is
2 denied as moot.

3 The Clerk of Court is directed to enter judgment in accordance with this order
4 and close this case.

5 DATED THIS 6th Day of March 2023.

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8 MIRANDA M. DU
9 CHIEF UNITED STATES DISTRICT JUDGE
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